

1 BILL NO. G-83-11-34

2 GENERAL ORDINANCE NO. G-33-83

3 AN ORDINANCE amending the Thoroughfare
4 Plan of the City Comprehensive ("Master")
5 Plan by vacating a portion of a street thereof.

6 WHEREAS, a petition to vacate a portion of a public street within
7 the City of Fort Wayne (as more specifically described below) was duly filed
8 with the City Planning Commission; and,

9 WHEREAS, said Commission duly held a public hearing thereon; and,

10 WHEREAS, said Commission has duly forwarded its recommendation to
11 this body approving said petition, all in accordance with I.C. 36-7-4-512(2)
12 and this body having held a public hearing on said vacation as provided in
13 I.C. 36-7-3-12; and,

14 WHEREAS, this body concurs in the recommendation of the City
15 Planning Commission.

16 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
17 FORT WAYNE, INDIANA:

18 SECTION 1. That the petition filed herein to vacate a portion of
19 a public street within the City of Fort Wayne, more specifically described
20 as follows, to-wit:

21 The 210 feet of Webster Street running from the St. Mary's
22 River to West Superior Street adjacent to Lots Numbered
23 6 and 7, all in block number one, Ewing's Addition to
24 the City of Fort Wayne, Allen County, Indiana

25 and which vacating amends the Thoroughfare Plan of the City Comprehensive
26 ("Master") and is hereby approved in all respects.

27 SECTION 2. That this Ordinance shall be in full force and effect
28 from and after its passage, and any all necessary approval by the Mayor.

29 

COUNCILMEMBER

30 APPROVED AS TO FORM AND LEGALITY

31 

32 BRUCE O. BOXBERGER, CITY ATTORNEY

** Public hearing to be held on _____, the _____
day of _____, 1983, in the Council Chambers.

Sandy Kennedy, City Clerk

Read the first time in full and on motion by Star,
seconded by GiaQuinta, and duly adopted, read the second time
by title and referred to the Committee Regulation (and the City
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Wayne,
Indiana, on _____, the _____ day of
_____, 19____, at _____ o'clock, _____ M., E.S.T.

DATE: 11/22/83

Sandra E. Kennedy
CITY CLERK

Read the third time in full and on motion by Star,
seconded by GiaQuinta, and duly adopted, placed on its
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	<u>.</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
<u>BRADBURY</u>	<u>✓</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
<u>BURNS</u>	<u>✓</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
<u>EISBART</u>	<u>✓</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
<u>GiaQUINTA</u>	<u>✓</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
<u>SCHMIDT</u>	<u>✓</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
<u>SCHOMBURG</u>	<u>✓</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
<u>SCRUGGS</u>	<u>✓</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
<u>STIER</u>	<u>✓</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
<u>TALARICO</u>	<u>✓</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>

DATE: 12-27-83

Sandra E. Kennedy
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL)
(APPROPRIATION) ORDINANCE (RESOLUTION) NO. 19-3383
on the 27th day of December, 1983.

ATTEST:
Sandra E. Kennedy
CITY CLERK

(SEAL)
Ray - A. E. Bork
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the 28th day of December, 1983, at the hour of
1:00 o'clock P. M., E.S.T.

Sandra E. Kennedy
CITY CLERK

Approved and signed by me this 28th day of December
19 83, at the hour of 4 o'clock P. M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR. - MAYOR

STATE OF INDIANA)
)
COUNTY OF ALLEN)

SS:

BEFORE THE CITY PLAN COMMISSION
OF THE CITY OF FORT WAYNE

PETITION TO VACATE A PORTION
OF WEBSTER STREET

The undersigned Petitioner, does hereby respectfully petition the Fort Wayne City Plan commission to vacate the following portion of Webster Street within the City of Fort Wayne, Indiana, and herein legally described as follows:

The 210 feet of Webster Street running from the St. Mary's River to West Superior Street adjacent to Lots Numbered 6 and 7, all in block number one, Ewing's Addition to the City of Fort Wayne, Allen County, Indiana.

In support of its petition herein, the Petitioner represents as follows:

1. That they are the only owners of the real estate bordering both sides of the portion of Webster Street that is the subject of this petition.
2. That said portion of Webster Street is not necessary as ingress or egress to other properties whatsoever.
3. That said portion of Webster Street is unopen and unimproved.
4. That no other person, firm, or corporation is interested in or affected by this petition to vacate.
5. That the maintenance of said portion of Webster Street is not necessary or advantageous to the growth to the City of Fort Wayne and it would be to the best interest of the City and the citizens thereof that this petition be granted.

Your Petitioner files this petition pursuant to the authority granted in Indiana Code, § 36-7-4-512 in order to complete the vacation as above described.

WHEREFORE, your Petitioner prays that the above-described portion of Webster Street be vacated according to the provisions of the Indiana law pertaining thereto.

Dated this 18th day of August, 1983.

NOWAK & WILLIAMS SUPPLY CO., INC.

By Ted J. Nowak
Ted J. Nowak, President

BARRETT, BARRETT & McNAGNY
Attorneys for Petitioner

By Wayne L. Witmer
Wayne L. Witmer

ORIGINAL

ORIGINAL

DIGEST SHEET

6466

8-83-11-34

TITLE OF ORDINANCE Street Vacation Ordinance

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE Portion of Webster Street.

EFFECT OF PASSAGE Property will be closed for public use and revert to the adjacent property owners.

EFFECT OF NON-PASSAGE Property will remain public right-of-way.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

ASSIGNED TO COMMITTEE (J.N.)



The City of Fort Wayne

DIVISION OF LAND USE MANAGEMENT
Department of Community Development & Planning

1 December 1983

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is a copy of a resolution pertaining to one (1) portion of a street vacation ordinance acted upon by the City Plan Commission at their regular meeting held November 28, 1983. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance involved.

1. Bill No. G-83-11-34
2. Intended Use: Vacated right-of-way will be utilized by the abutting property owners and is presently being maintained by them.
3. Plan Commission Recommendation: DO PASS

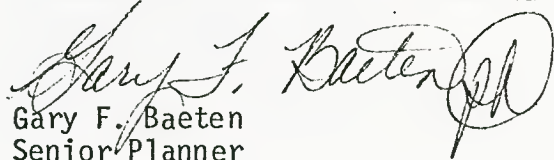
This ordinance received a DO PASS recommendation for the following reason:

REASON: The approval of this vacation will not interfere with public utilities if the necessary easements are retained.

If there are any questions with regard to this ordinance, please feel free to call on us.

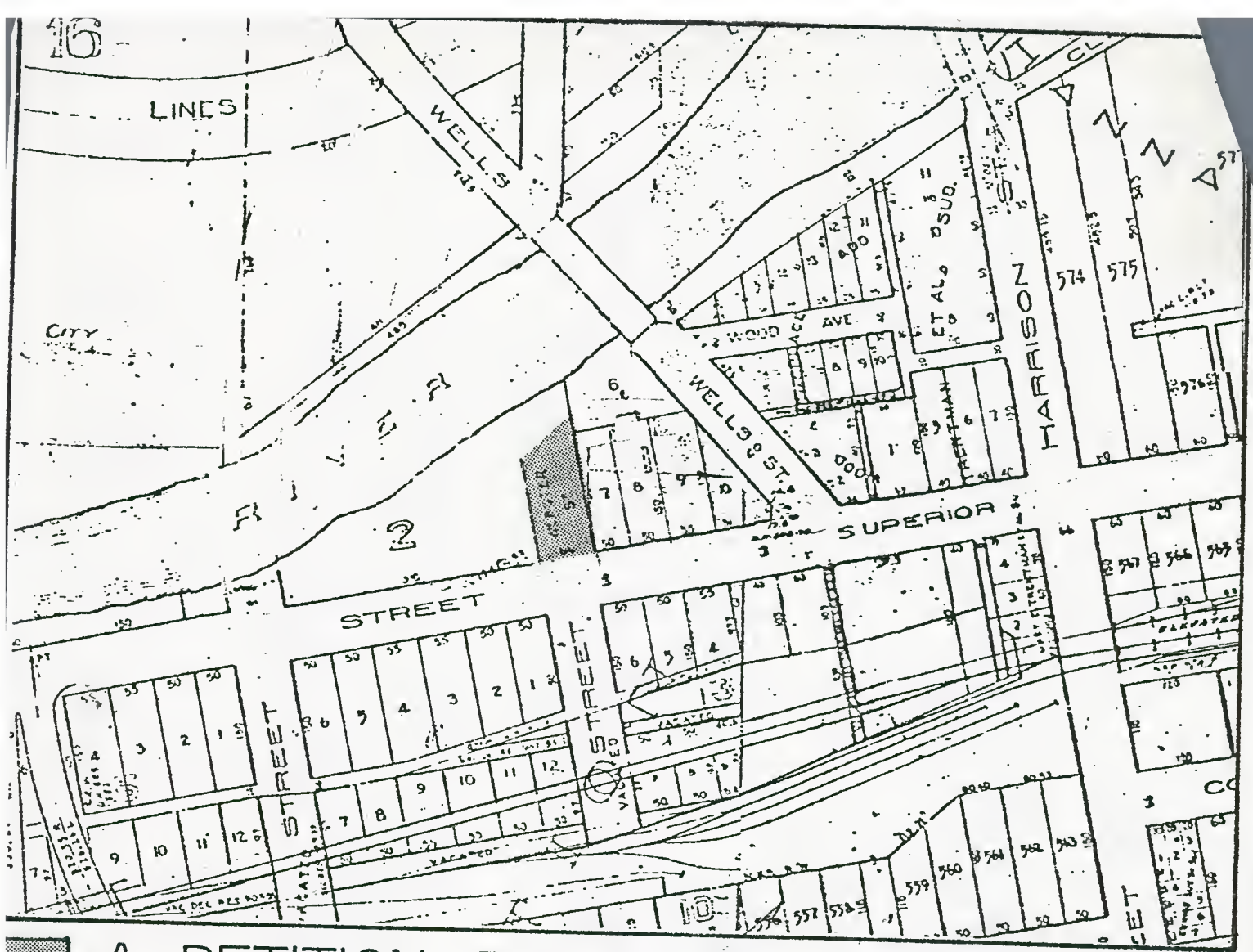
Respectfully submitted,

COMMUNITY DEVELOPMENT & PLANNING


Gary F. Baeten
Senior Planner

GFB:pb

Attachments



A PETITION TO VACATE A PORTION OF WEBSTER STREET.

MAP NO. L-6

6-83-11-34

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(BILL NO. G-83-11-34)

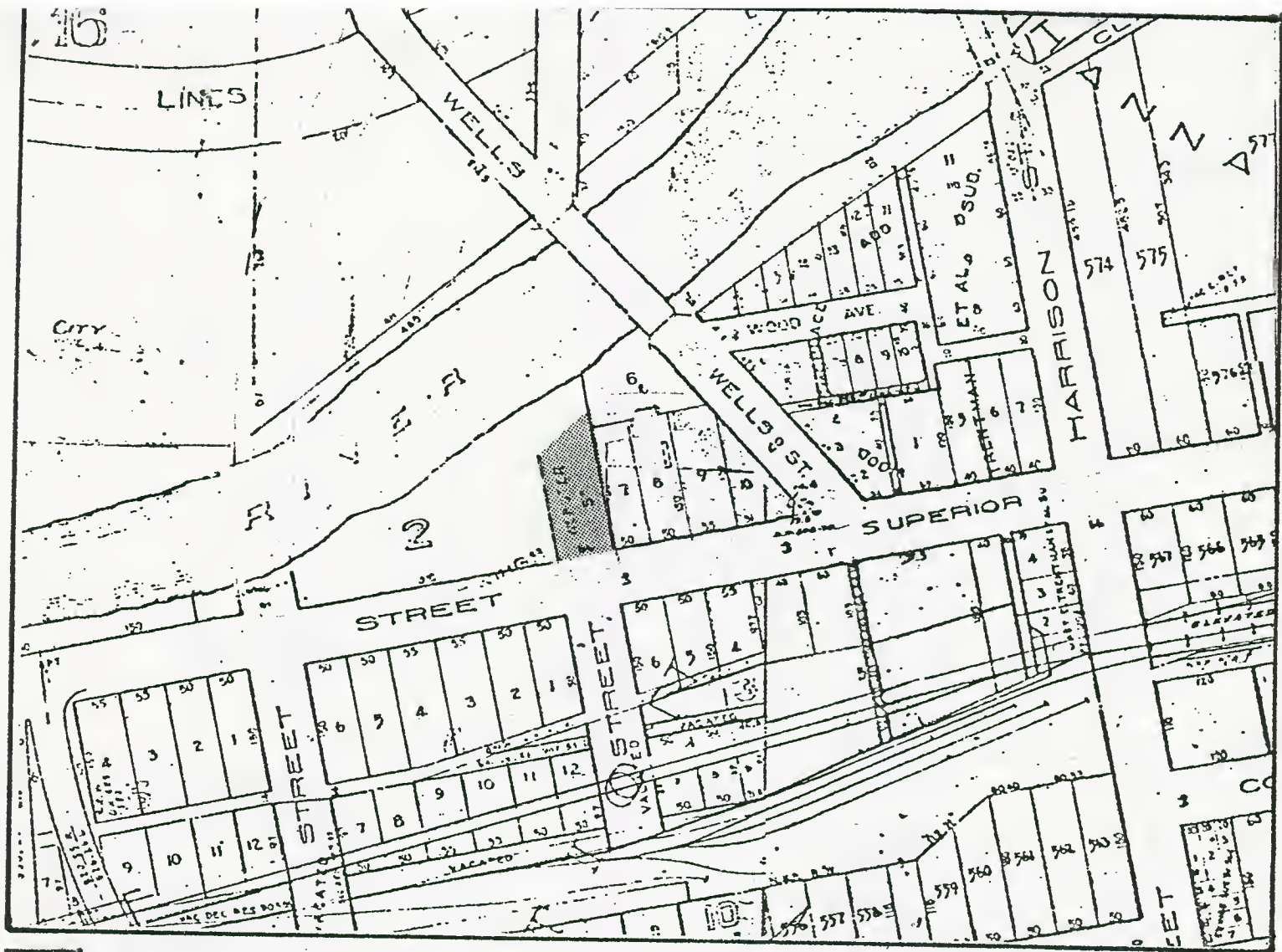
Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne, Indiana will conduct a public hearing on Tuesday, December 27, 1983, at 7:30 P.M. (EST) in Room 128, City-County Building, One Main Street, Fort Wayne, Indiana, more particularly described as follows:

The 210 feet of Webster Street running from the St. Mary's River to West Superior Street adjacent to Lots Numbered 6 and 7, all in block number one, Ewing's Addition to the City of Fort Wayne, Allen County, Indiana

All interested parties are invited to appear and be heard.

Fort Wayne Common Council

Sandra E. Kennedy
Sandra E. Kennedy
City Clerk



 A PETITION TO VACATE A PORTION
 OF WEBSTER STREET.

MAP NO. L-6

6-83-11-34



NOTICE OF PUBLIC HEARING

Notice is hereby given that the Fort Wayne City Plan Commission will conduct a public hearing on Monday, November 21, 1983 at 7:00 P.M. (EST) in Room #126, City-County Building, One Main Street, Fort Wayne, Indiana on the following proposed vacation of public right-of-way.

1. EASEMENT VACATION

A 14' easement on the east edge of Lot #35, Summit Ridge Addition, except for the North 10 feet of said easement.

2. PORTION OF WEBSTER STREET

The 210 feet of Webster Street running from the St. Mary's River to west Superior Street adjacent to Lots Numbered 6 and 7, all in block number one, Ewing's Addition to the City of Fort Wayne, Allen County, Indiana.

3. PORTION OF DELLVIEW DRIVE

A 50 feet by 142 feet 01 inches portion of Dellview Drive, Eastland Gardens Addition, Section "B" to the City of Fort Wayne, Indiana said portion described borders Lots 261 and 262.

All interested persons are invited to appear and be heard.

FORT WAYNE CITY PLAN COMMISSION

Stephen A. Bailey
Secretary



The City of Fort Wayne

December 15, 1983

Wayne Witmer, Attorney
Third Floor Lincoln Bank
Fort Wayne, IN 46802

Dear Mr. Witmer:

NOTICE OF PUBLIC HEARING ON BILL NO. G-83-11-34

You are hereby notified that the Common Council of Fort Wayne, will conduct a public hearing on Tuesday, December 27, 1983, at 7:30 P.M. (EST) in the Conference Room #128, One Main Street, Fort Wayne, Indiana, on the following:

The 210 feet of Webster Street running from the St. Mary's River to West Superior Street adjacent to Lots Numbered 6 and 7, all in block number one, Ewing's Addition to the City of Fort Wayne, Allen County, Indiana

All interested persons are invited to appear and be heard. Any written material may be submitted to the Common Council prior to the hearing.

Sincerely yours,

Sandra E. Kennedy
Sandra E. Kennedy
City Clerk

An Equal Opportunity Employer

One Main Street, Fort Wayne, Indiana 46802

BILL NO. G-83-11-34

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN
ORDINANCE amending the Thoroughfare Plan of the City Comprehensive
("Master") Plan by vacating a portion of a street thereof

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE Do PASS.

JAMES S. STIER, CHAIRMAN

JANET G. BRADBURY, VICE CHAIRMAN

VICTURE L. SCRUGGS

MARK E. GIAQUINTA

ROY J. SCHOMBURG

John
Janet G. Bradbury
Victure Scruggs
Mark E. Giaquinta
R. J. Schomburg

*On Council
12-27-83*



The City of Fort Wayne

December 15, 1983

Ms. Mary Gabet
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Gabet:

Please give the attached full coverage on the date of December 19, 1983, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. G-83-11-33
Bill No. G-83-11-32
Bill No. G-83-11-34

Please send 4 copies of each of the attached the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely, *Sandra E. Kennedy*

Sandra E. Kennedy
City Clerk

SEK/ne
ENCL: 3



The City of Fort Wayne

December 15, 1983

Ted Nowak
302 W. Superior Street
Fort Wayne, IN 46802

Dear Mr. Nowak:

NOTICE OF PUBLIC HEARING ON BILL NO. G-83-11-34

You are hereby notified that the Common Council of Fort Wayne will conduct a public hearing on Tuesday, December 27, 1983, at 7:30 P.M. (EST) in the Conference Room #128, One Main Street, Fort Wayne, Indiana, on the following:

The 210 feet of Webster Street running from the St. Mary's River to West Superior Street adjacent to Lots Numbered 6 and 7, all in block number one, Ewing's Addition to the City of Fort Wayne, Allen County, Indiana

All interested persons are invited to appear and be heard. Any written material may be submitted to the Common Council prior to the hearing.

Sincerely yours,

Sandra E. Kennedy
Sandra E. Kennedy
City Clerk

PETITIONER:

Ted Nowak - 302 W. Superior Street / City 02

AGENT: Dr

Wayne Witmer / Third Floor Lincoln Bank / City 02

RECEIPT

COMMUNITY DEVELOPMENT & PLANNING

No 9033

FT. WAYNE, IND., 8/19 1983

RECEIVED FROM Barnett, Barnett, & McManis \$ 50.00

THE SUM OF Fifty Dollars ¹⁰⁰ DOLLARS

ON ACCOUNT OF Vacation of portion of Webster

check
#7643

Kim Shuman
AUTHORIZED SIGNATURE

RECEIPT

COMMUNITY DEVELOPMENT & PLANNING

No 9034

FT. WAYNE, IND., 8/19 1983

RECEIVED FROM Barnett, Barnett, & McManis \$ 50.00

THE SUM OF Fifty Dollars ¹⁰⁰ DOLLARS

ON ACCOUNT OF Vacation of portion of Webster

check
#7651

Kim Shuman
AUTHORIZED SIGNATURE

Fort Wayne Common Council
(Governmental Unit)

To.....JOURNAL-GAZETTE.....Dr.

Allen.....County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines	
Head number of lines	4
Body number of lines	18
Tail number of lines	3
Total number of lines in notice	25

COMPUTATION OF CHARGES

25 lines, 1 columns wide equals 25 equivalent lines at .215¢ cents per line	\$ 5.38
Additional charge for notices containing rule or tabular work (50 per cent of above amount)	
Charge for extra proofs of publication (50 cents for each proof in excess of two) 2 extra	1.00
TOTAL AMOUNT OF CLAIM.	\$ 6.38

DATA FOR COMPUTING COST

Width of single column 9.6 picasSize of type 6 point

Number of insertions 1Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date Dec. 19, 1983

Drusilla Roose
Title CLERK

Form 904

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:
Personally appeared before me, a notary public in and for said county and state, the undersigned Drusilla Roose who, being duly sworn, says that she is CLERK of the JOURNAL-GAZETTE DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for one time, the dates of publication being as follows: 12/19/83
Drusilla Roose
Subscribed and sworn to me before this 19th day of December 1983
Anne M. Perkins
Notary Public
My commission expires November 29, 1985

NOTICE OF PUBLIC HEARING
FORT WAYNE
COMMON COUNCIL
(BILL NO. G-83-11-34)

Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne, Indiana will conduct a public hearing on Tuesday, December 27, 1983, at 7:30 P.M. (EST), in Room 128, City-County Building, One Main Street, Fort Wayne, Indiana, more particularly described as follows:

The 210 feet of Webster Street running from the St. Mary's River to West Superior Street adjacent to Lots Numbered 6 and 7, all in block number one, Ewing's Addition to the City of Fort Wayne, Allen County, Indiana

All interested parties are invited to appear and be heard.

Fort Wayne Common Council
Sandra E. Kennedy
City Clerk

Fort Wayne Common Council

To NEWS-SENTINEL Dr.

(Governmental Unit)

Allen

County, Ind

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines
Head number of lines
Body number of lines
Tail number of lines
Total number of lines in notice

COMPUTATION OF CHARGES

25 lines, 1 columns wide equals 25 equivalent lines at .215¢ cents per line \$ 5.38
Additional charge for notices containing rule or tabular work (50 per cent of above amount)
Charge for extra proofs of publication (50 cents for each proof in excess of two) 2 extra 1.00
TOTAL AMOUNT OF CLAIM. \$ 6.38

DATA FOR COMPUTING COST

Width of single column 9.6 picas Size of type 6 point
Number of insertions 1 Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Drusilla Roose

Date Dec. 19 83

Title CLERK

Form 903

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS.

Personally appeared before me, a notary public in and for said county and state, the undersigned Drusilla Roose who, being duly sworn, says that she is CLERK of the

NEWS-SENTINEL

a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA town

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for one time, the dates of publication being as follows:

12/19/83

Drusilla Roose

Subscribed and sworn to me before this 19th day of December 1983 Anne M. Perkins

Notary Public

My commission expires November 29, 1985

NOTICE OF PUBLIC HEARING
FORT WAYNE
COMMON COUNCIL
(BILL NO. G-83-11-34)
Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne, Indiana will conduct a public hearing on Tuesday, December 27, 1983, at 7:30 P.M. (EST), in Room 128, City-County Building, One Main Street, Fort Wayne, Indiana, more particularly described as follows:
The 210 feet of Webster Street running from the St. Mary's River to West Superior Street adjacent to Lots Numbered 6 and 7, all in block number one, Ewing's Addition to the City of Fort Wayne, Allen County, Indiana
All interested parties are invited to appear and be heard.
Fort Wayne Common Council
Sandra E. Kennedy
City Clerk
12--19